

Docket No.: 050341-0041



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Joanne E. BURN, et al.	:	Confirmation Number: 3207
Application No.: 09/857,346	:	Group Art Unit: 1638
Filed: March 06, 2003	:	Examiner: Stuart Baum
For: CONTROL OF FLOWERING	:	

RESPONSE TO ELECTION/RESTRICTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Noting the election/restriction under 35 USC § 121 and 372 imposed by the Office
Action mailed on January 4, 2006 in connection with the above-referenced application,
Applicant hereby makes the following election/restriction.

Applicant hereby elects Group I, claims 1-3, 6-9, 12 and 14-16 with traverse. Applicant
further elects the sequence No. 2 (SEQ ID NO: 2) with traverse. Reconsideration of the
restriction and election requirement are respectfully solicited, in general, and specifically
Applicant respectfully solicits the additional examination of the claims in Group IV and SEQ ID
NO: 1.

Applicant respectfully requests the Examiner to consider adding the claims of Group IV
to the examination of this application. It is Applicant's position that the claims in Groups I and
IV are so linked that they form a single general inventive concept. The claims in Group IV,
claims 10 and 11, directly relate to the claims of Group I because the claims of Group IV are

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dependent on certain claims in Group I. Accordingly, it is Applicant's position that the claims of Group I and IV are linked by a single technical feature and should be examined together.

Lastly, Applicant respectfully solicits the Examiner to consider searching SEQ ID NO: 1 together with SEQ ID NO: 2. Applicant is entitled to a reasonable number of species and the search of two sequences would be a reasonable number. Moreover, Applicant respectfully notes that SEQ ID NO: 1 and 2 are related as genomic and cDNA sequences, respectively of the one gene (FLF) as described in the application. Accordingly, any search based on one should be coextensive with a search based on the other. Applicant further solicits the rejoinder of the other sequences should the elected species be deemed allowable.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Please recognize our Customer No. 20277
as our correspondence address.**

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